

Remarks

In response to the Office Action date mailed February 9, 2005, the Applicants elect, with traverse, Group I having claims 1-8 and 27-28.

It is respectfully submitted that the restriction requirement should be withdrawn since the Examiner's grounds therefore are not well-founded.

The Examiner has indicated that the subject matter of the Group I claims is drawn to a "**method of cooling**" in class 398, subclass 135. However, class 398, subclass 135 is directed to: "

135 OPTICAL TRANSCIVER:

This subclass is indented under **the class definition**. Subject matter wherein an optical transmitter and a receiver are at a common location for transmission and reception of separate optical signals in such a manner that an optical signal is transmitted using some of the same equipment used for the reception of another optical signal.

(1) Note. The optical transmitter and receiver are usually confined to a common housing in a transceiver and termed "a station".

(2) Note. The simultaneous separation of a transmitter and receiver is a duplex operation and is excluded from this subclass, See search note below.

It is clear that the above official definition does support the Examiner's position.

The Examiner states that the claims of Group II are separate because they are drawn to an "**optical transceiver**" allegedly properly classifiable in class 385, subclass 92. However, class 385, subclass 92 is directed to "optical waveguides" with "housing". It is respectfully submitted that the Group II claims are not directed to " housings" of "optical waveguides".

Rather Group II is properly classifiable in class 398, subclass 135, supra (Group I). Group II is not classifiable in class 385, subclass 92 as the Examiner has suggested.

Thus, the restriction requirement as to Groups I and II should be withdrawn and claims 1-28 searched.

Respectfully submitted,

By: _____

Leslie Payne, Attorney
Registration No. 26,378
IBM Corporation - Department 917
3605 Highway 52 North
Rochester, Minnesota 55901-7829

Telephone: (507) 253-2555
Fax No.: (507) 253-2382